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SWEET PEOPLE APPAREL, INC. d/b/a MISS  
9 ME and RCRV, Inc. d/b/a ROCK REVIVAL

10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION  
14

15 SWEET PEOPLE APPAREL, INC.  
d/b/a MISS ME, a California  
16 corporation and RCRV, INC. d/b/a  
ROCK REVIVAL, a California  
17 corporation.

18 Plaintiffs,

19 v.

20 LA IDOL FASHION, INC., a California  
corporation, I-Yun Yih a/k/a Nancy  
21 Yih, an individual, and JOHN DOES 1-  
10, inclusive

22 Defendants.  
23  
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Case No.: CV12-06408 (SJO) (PLAX)

Hon. S. James Otero

**~~[PROPOSED]~~ PERMANENT  
INJUNCTION ORDER AND  
JUDGMENT ON CONSENT**

1 WHEREAS, the Plaintiffs in this action are Sweet People Apparel, Inc. d/b/a  
2 Miss Me (“Sweet People”), and RCRV, Inc. d/b/a Rock Revival (“RCRV”); and

3 WHEREAS, the Defendants in this action are LA Idol Fashion, Inc. (“LA Idol”),  
4 I-Yun Yih a/k/a Nancy Yih (“Nancy Yih”) and John Does 1-10; and

5 WHEREAS, Sweet People is the owner of U.S. copyright registrations for  
6 certain designs it uses on and in connection with its MISS ME line of jeanswear  
7 products, including a Reverse Western Paisley JP5123 Design (U.S. Copyright  
8 Registration No. VA 1-740-404); Wide M Pocket Stitch Design (U.S. Copyright  
9 Registration No. VA 1-733-503); and Split Fleur De Lis Design (U.S. Copyright  
10 Registration No. VA 1-807-380) (such copyrighted designs being collectively referred  
11 to as the “Sweet People Copyrighted Designs”), copies of the aforesaid registration  
12 certificates, and photographs of representative examples of Sweet People jeanswear  
13 products bearing the Sweet People Copyrighted Designs, being attached hereto as  
14 Exhibit A and incorporated herein by reference; and

15 WHEREAS, Sweet People is the owner of a U.S. trademark registration for its  
16 WIDE M DESIGN Trademark (U.S. Trademark Registration No. 4,039,938), a copy of  
17 the registration certificate, and a photograph of a representative example of a Sweet  
18 People jeanswear product bearing the WIDE M DESIGN Trademark, being attached  
19 hereto as Exhibit B and incorporated herein by reference; and

20 WHEREAS, RCRV is the owner of a U.S. trademark application for its  
21 ARROW STITCH DESIGN Trademark (U.S. Trademark Application No.  
22 85/330,876), a copy of a photograph of a representative example of an RCRV  
23 jeanswear product bearing the ARROW STITCH DESIGN Trademark, being attached  
24 hereto as Exhibit C and incorporated herein by reference; and

25 WHEREAS, on July 26, 2012, Plaintiffs Sweet People and RCRV filed a  
26 Complaint (Dkt. No. 1) alleging that LA Idol created, designed, purchased, imported,  
27 distributed, offered for sale and/or sold certain jeanswear products bearing designs that  
28 infringe their rights in and to the Sweet People Copyrighted Designs, Sweet People’s

1 FABRIC CUT OUT DESIGN Trademark and RCRV's INVERTED FLEUR DE LIS  
2 DESIGN Trademark, including the jeanswear products depicted in the attached  
3 Exhibits D, E and F (collectively, the "Infringing Products"); and

4 WHEREAS, the Court has jurisdiction over the subject matter of this action and  
5 over Plaintiffs and Defendants, and venue in this action being proper in this judicial  
6 district; and

7 WHEREAS, Plaintiffs and Defendants have consented to the entry of this  
8 Permanent Injunction Order and Judgment on Consent in full and final resolution of  
9 the claims asserted between and among them in the Civil Action, as follows:

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT, LA**  
11 **Idol, its respective subsidiaries, affiliates, divisions, officers, directors, principals,**  
12 **servants, employees, successors and assigns, and its President, Nancy Yih, and all**  
13 **those in active concert or participation with them, or under their direct or indirect**  
14 **control, including manufacturers, suppliers, distributors and retailers of any Infringing**  
15 **Products, who receive notice of this Order, are hereby enjoined, restrained and**  
16 **prohibited from:**

17 1. Manufacturing, designing, creating, copying, imitating, importing,  
18 exporting, distributing, supplying, marketing, advertising, promoting, offering for sale  
19 or selling any product bearing a design that is substantially similar in overall  
20 appearance to, or making any other unauthorized use of, any of the Sweet People  
21 Copyrighted Designs, so as to constitute an infringement of such design in violation of  
22 the U.S. Copyright Act, as amended, 17 U.S.C. § 101 *et seq.*;

23 2. Manufacturing, designing, creating, copying, imitating, importing,  
24 exporting, distributing, supplying, marketing, advertising, promoting, offering for sale  
25 or selling any product bearing a design that is confusingly similar to, or making any  
26 other unauthorized use of, Sweet People's WIDE M DESIGN Trademark and/or  
27 RCRV's ARROW STITCH DESIGN Trademark, so as to constitute an infringement  
28 of such design in violation of the Lanham Act, as amended, 15 U.S.C. § 1051 *et seq.*

1           3.     Manufacturing, designing, creating, copying, imitating, importing,  
2     exporting, distributing, supplying, marketing, advertising, promoting, offering for sale  
3     and/or selling the Infringing Products, or any other product bearing a design that  
4     violates Paragraphs 1-2 of this Order and Judgment.

5           4.     Within ten (10) days following entry of this Order and Judgment, LA Idol  
6     shall provide a copy of this Order and Judgment to its manufacturers, suppliers,  
7     distributors and retail and wholesale customers for any of the Infringing Products.

8           5.     Plaintiffs and Defendants have acknowledged that, due to LA Idol's  
9     record keeping practices, the monetary relief to which Plaintiffs would be entitled as a  
10    result of any violation of any of the terms in Paragraphs 1-3 of this Order and  
11    Judgment may not be readily ascertainable. Accordingly, in the event of a violation by  
12    Defendants of Paragraphs 1-3 of this Order and Judgment, in addition to any equitable  
13    relief to which Plaintiffs may be entitled, the Parties agree that Defendants shall be  
14    liable to Plaintiffs, at Plaintiffs sole option, as follows:

15               (a)   Plaintiffs' actual damages as provided for in 17 U.S.C. § 504(b) of  
16    the U.S. Copyright Act and 15 U.S.C. § 1117(a) of the Lanham Act and/or a  
17    disgorgement of LA Idol's profits as provided for in 17 U.S.C. § 504(b) of the U.S.  
18    Copyright Act and 15 U.S.C. § 1117(a) of the Lanham Act; or

19               (b)   The liquidated sum of one-hundred and fifty thousand (\$150,000)  
20    per infringement in the case of Paragraphs 1 or 2, and per violation of Paragraph 3, as  
21    the Parties have agreed that such sum is reasonably proportionate to Plaintiffs'  
22    foreseeable losses for any violation of Paragraphs 1-3 of this Order and Judgment.

23           6.     Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiffs  
24    hereby dismiss with prejudice the claims they have asserted against Defendants John  
25    Does 1-10.

26           7.     The Court retains jurisdiction of this action for the purpose of enforcing  
27    the provisions of this Order and Judgment, and the Parties' Settlement Agreement, by  
28    way of contempt motion or otherwise.

1           8.     The Parties waive any right to appeal this Order and Judgment.

2           9.     The Parties agree that each Party shall bear its own costs and fees  
3 associated with this Order and Judgment and the Civil Action.

4  
5 **IT IS SO ORDERED.**

*S. James Otero*

6  
7 DATED: September 22, 2012

8 \_\_\_\_\_  
S. James Otero  
UNITED STATES DISTRICT JUDGE

1 Submitted By:

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